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10 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA
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12 ROBERT E JOHNSON,
13 Plaintiff,

14 v.

15 SARA DI VITTORIO et al.,
16 Defendants.

CASE NO. C12-6018 RJB-JRC

ORDER GRANTING PLAINTIFF'S
MOTION FOR A CONTINUANCE
AND DENYING AN UNTIMELY
MOTION FOR RECONSIDERATION

17 The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States
18 Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §
19 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

20 Plaintiff asks the Court to grant him a forty-five day extension of time to file a response
21 to defendants' motion to dismiss (ECF No. 22). Plaintiff also asks the Court to reconsider the
22 January 16, 2013, order denying appointment of counsel (ECF No. 22, declaration of plaintiff
23 ¶1.2). Defendants do not oppose the motion for a continuance (ECF No. 23).

24 ORDER GRANTING PLAINTIFF'S MOTION FOR
A CONTINUANCE AND DENYING AN
UNTIMELY MOTION FOR RECONSIDERATION

1 Plaintiff alleges that he is legally blind and it takes him longer to prepare legal papers
2 (ECF No. 22, declaration of plaintiff ¶ 2.1 to 2.3). Plaintiff has shown good cause for an
3 extension of time.

4 The Court grants the motion for an extension of time. Plaintiff's response to defendants'
5 motion to dismiss will be due on or before **June 7, 2013**. Defendants' reply, if any, must be filed
6 on or before **June 14, 2013**. The Clerk's Office is instructed to re-note defendants' motion to
7 dismiss for **June 14, 2013**.

8 Plaintiff's motion for reconsideration of the order denying appointment of counsel is
9 untimely and does not follow the Local Rules for bringing this type of motion. *See* Local Rule
10 7(h). Motions for reconsideration are disfavored and must be filed within fourteen days of the
11 order. Local Rule 7(h) States:

12 (1) *Standard*. Motions for reconsideration are disfavored. The court will
13 ordinarily deny such motions in the absence of a showing of manifest error in the
14 prior ruling or a showing of new facts or legal authority which could not have
been brought to its attention earlier with reasonable diligence.

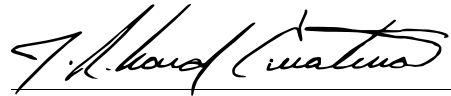
15 (2) *Procedure and Timing*. A motion for reconsideration shall be plainly labeled
16 as such. The motion shall be filed within fourteen days after the order to which it
17 relates is filed. The motion shall be noted for consideration for the day it is filed.
18 The motion shall point out with specificity the matters which the movant believes
19 were overlooked or misapprehended by the court, any new matters being brought
20 to the court's attention for the first time, and the particular modifications being
21 sought in the court's prior ruling. Failure to comply with this subsection may be
22 grounds for denial of the motion. The pendency of a motion for reconsideration
shall not stay discovery or any other procedure.

23 (3) *Response*. No response to a motion for reconsideration shall be filed unless
24 requested by the court. No motion for reconsideration will be granted without
such a request. The request will set a time when the response is due, and may
limit briefing to particular issues or points raised by the motion, may authorize a
reply, and may prescribe page limitations.

25 The Court's order denying appointment of counsel was filed January 16, 2013 (ECF No.
26 13). Plaintiff had until January 31, 2013 to file a motion for reconsideration. Plaintiff's request,

1 made in his April 4, 2013 declaration, is untimely (ECF No. 22). Further, plaintiff's request for
2 reconsideration is not in the form required by the Court's Local Rule. Plaintiff's motion for
3 reconsideration is denied.

4 Dated this 10th day of May, 2013.

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8 J. Richard Creatura
9 United States Magistrate Judge